

Courts Martial Unjust, Say Ex-Judge Advocates

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Summary of New League Draft Made Public; France Gets Saar Valley Forever

Monroeism Is Put Into Covenant

Courts Martial Unjust, Say Ex-Judge Advocates

Nine-Tenths of Cases Imposed Sentences 400 Per Cent Higher Than Justified, They Assert

Col. Ansell Lauded For Exposing System

Soldiers' Rights Under Army Law Returned to Him, Report Declares

Ninety per cent of all cases tried by courts martial in the United States army have hitherto resulted in injustice. This is the opinion stated yesterday by the Ex-Judge Advocate Committee on Military Justice, which has been sitting secretly in New York. Sentences imposed by the military courts were more than 400 per cent higher than they should have been, the committee declared.

Military justice, as thus meted out in this country, was arraigned as "Prussian, not American," in the statement of the committee, sent out by Roscoe Stewart, temporary secretary.

To bear out its contention that enlisted men of the army had no redress against grave injustice, the committee quoted the facts of twenty-five concrete cases which had been ground out of the military courts.

Colonel Ansell Praised

In one of these cases a man was sentenced to ten years at Fort Leavenworth for openly leaving barracks and being away one day on a visit to his family. For equally trivial offences men were given terms ranging from five years upward. In some of the cases the man was not even heard in his own defence.

The committee praised the work of Lieutenant Colonel Ansell for his creation of a clemency board to pass on sentences, but declared that it gave to the soldiers rights which never should have been taken from them. It declared that he had been "reduced from the grade of brigadier general to lieutenant colonel for his exposure of the injustice of the court martial system."

The statement, in part, follows:

"The figures given out by the War Department are that the clemency board to date has considered 1,683 cases, that it has recommended clemency in 1,523 cases and that it has recommended the reduction of the average sentence from seven years and four months to one year and nine months, or a total of 2,323 years from the aggregate sentences imposed.

"The creation of the clemency board was the last important official act of Lieutenant Colonel Ansell when he was acting as the judge advocate general and before he was reduced from the grade of brigadier general to lieutenant colonel for his exposure of the injustice of the court martial system.

"After he had been unsuccessful in his efforts in the War Department to secure authority for the judge advocate general on review of court martial records to revise and modify the findings of court martial as the law and evidence demanded, and he saw that thousands of men were undergoing unjust punishment because there was no authority to cut down the sentences imposed upon them, he recommended to the Secretary of War that a board of clemency be created to consider the cases of all men who were in confinement and decrease the sentences where they were found to be excessive.

"This recommendation was adopted by Secretary Baker and the board began to function on or about February 1.

Men Had No Redress

"As a result of the defects of the present system of military justice it is seen from the work of the clemency board that soldiers have no adequate protection against unjust convictions and sentences except as the hand of clemency may be extended to them, that they do not receive justice as a matter of right but of executive favor.

"The present system makes the government of the United States an autocratic government which deals with subjects rather than with citizens. Although the government is a popular government created to secure to its citizens well known rights of citizenship, namely, the protection of life, liberty and property, it is, in dealing with its soldiers, called to the colors to defend and protect it—a despot.

"It is effect says to them: 'I admit that I have done wrong to you, that I have tried you unfairly and have sentenced you unfairly. In my mercy I choose I will extend clemency to you; if I do not choose there is no relief for you.' Such a system is Prussian, not American.

"The clemency board is giving rights to the soldiers which never should have been taken from them. But suppose the board had not been created and that there had been no Ansell, a man with human instincts, to rise up against the system—those men would have had to continue to serve out their sentences, with no law to secure them redress for the injustice done to them.

Lawyer Cites Injustice

"A letter just received by the committee from a civilian lawyer illustrates in one case what these men would have been up against:

"In the fall of 1911, as a civilian lawyer, undertook in behalf of the accused to obtain a rehearing of certain general court martial cases. At the original trial of said cases a young and experienced second lieutenant without any knowledge of such of the accused, to represent—or rather misrepresent—them. There were many irregularities and errors of law in said trial, as well as in the proceedings leading up to and subsequent to the trial, and the court itself acted under a misconception of the law and of the articles of war, which were then embodied in Section 1342 of the Revised Statutes.

"Furthermore, the accused were denied certain rights guaranteed by the

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New Strike Forecast in Harbor Fight

Complete Tie-Up Planned for To-morrow Unless Discharged Men Are Taken Back, Says Leader

Rail Director's Action Blamed

Union Workers Dropped for Refusing to Tow Boats Not on 'List'

Total paralysis of traffic in New York Harbor to-morrow night is now threatened because of the discharge on the orders of A. H. Smith, regional director of railroads, of thirty tugboat men. They were discharged for refusing to tow boats not on the approved list of the Marine Workers' Affiliation. Special meetings to consider a strike action have been called for to-morrow, and these, leaders of the men declared last night, would undoubtedly end in an order to strike unless Mr. Smith recedes from his position.

"Unless the men discharged are reinstated and Mr. Smith ceases his attempts to bulldoze the men, there will be a strike ordered," said Thomas L. Delahanty last night. "As it is, it looks like a race between us and Mr. Smith as to whether it will be a lock-out or a strike. So far he has the edge, for he has begun to lock out men."

"I won't prophesy a strike—prophesy is a dangerous thing," said Captain William A. Maher, "but Mr. Smith has gone looking for trouble and may succeed in stirring up more than he can handle. Either the men discharged will be reinstated and the orders under which they were discharged be rescinded, or, if I judge the men correctly, they will order a general suspension."

Issue Raised by O'Conner

The question in issue follows the action of T. V. O'Conner, international president of the Longshoremen's Association, in forcing a settlement independent of the demands of the Tidewater Boatmen's Union.

In consequence of this settlement, members of this union are employed on boats owned by individuals, firms and corporations that are fighting the engineers, pilots and other unions making up the Marine Workers' Affiliation. The affiliation refuses to handle boats of any owner who is at war with the unions on any point.

This settlement by the Tidewater Boatmen's Union was made on March 27. On March 31 John Brennan, president of this union, notified Mr. Smith that he had made his peace with the boat owners and that all coal barges

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Summary of New League Draft Made Public; France Gets Saar Valley Forever

PARIS, April 12 (By The Associated Press).—Bolshevik Russia is ready, according to reports reaching here, to agree to a suspension of executions and punishments of its opponents in return for goods and recognition. It is also willing, according to the same reports, to agree to the suspension of the campaign to extend Bolshevism and overthrow the existing order in the countries of the associated powers.

Lenine Would Stop Terror For Goods, Food and Peace

It will, however, refuse to call democratic elections or consent to the convocation of a constituent assembly in Russia, and insists on the recognition of "the de facto and de jure government of Russia," and acceptance of the principle of soviet rule as its part of any programme of negotiation.

Whether the report on the standpoint of the Lenine government, brought back by an attaché of the American Peace Commission who recently visited Russia, also covered guarantees of freedom of speech, press and assembly, which Hjalmar Branting and other neutrals believe should be made a condition of food relief, has not been learned, but a person familiar with that report said that the Bolshevik government was ready to grant almost anything except reconvoation of the constituent assembly on the basis of democratic elections.

Given Charge Of Mines and All Industry

Previous Plan Was to Let French Have Fuel Duty Free for 15 Years and Permit Germans to Rule

Action Unexpected In Many Quarters

Wilson Had Argued for Self-Determination by a Vote of the People

PARIS, April 12.—The Council of Four to-day definitely settled the problem of the Saar Valley. The valley will be granted to France, in perpetuity, to work the coal mines and other resources.

The last previous reports from Paris concerning the disposition of the Saar Valley were that the French were to have the privilege of exploiting the coal mines, as compensation for the destruction of the Lens mines by the Germans, for a period of fifteen years.

The league of nations was to administer the territory during that period, and at the end of the fifteen years a plebiscite of the inhabitants was to be held to decide their future allegiance. In this way the Wilsonian principle of self-determination was to be preserved.

The decision of the Council of Four announced to-day is a complete reversal of this plan and may be construed a notable victory for France, to whom Lloyd George is said to be throwing his support.

U. S. Legally Not at War With Lenine

That Ruling Is Made in Answer to Hornaday's Demand That the Soviet Emissary Be Interned

On April 5 William T. Hornaday wrote a letter to the Department of Justice protesting against the activities of L. C. A. K. Martens, the official representative of the Soviet government of Russia, and demanding his internment, this country being in a "state of war" with the Bolshevik forces of Russia.

Yesterday Mr. Hornaday made public the reply, which follows:

DEPARTMENT OF JUSTICE
Washington, D. C.
April 8, 1919.

Mr. William T. Hornaday,
135 Hall-of-Fame Terrace, University Heights, New York City.
Sir: In response to your communication of April 5, 1919, on the subject of L. C. A. K. Martens, official representative of Soviet Russia, the situation, from a legal standpoint, is not that of war between this country and Russia. Consequently no action can be taken based upon the theory that a Russian or representative of Russia is an enemy.

Internment is a process allowable solely and exclusively in the case of persons who are technically enemy aliens.

As for prosecution, that is of course only justifiable where the facts clearly show a violation of the express provisions of Federal law. Respectfully,

For the Attorney General,
JOHN LORD O'BRIEN,
The Special Assistant to the Attorney General for War Work.

Mr. Hornaday answered as follows:

April 11, 1919.

Hon. A. Mitchell Palmer, Attorney General of the United States, Washington, D. C.

Dear Sir: Mr. O'Brien has transmitted to me your decision of April 10 not to comply with my demand of April 5 for the arrest and internment as an enemy alien of L. C. A. K. Martens, official representative of the Bolsheviks of Russia, now at large in New York City.

Your decision is entirely at variance with the logic of the existing state of war and at variance with the laws of common sense, and hereby I protest against it. If American soldiers now fighting Bolsheviks in three war areas in Russia and more going there do not constitute war, and if the Russian Bolsheviks are not our enemies, then the English language has lost its meaning and justice has become a joke and a plaything for legal terminologists.

Your decision wraps the Stars and Stripes around Bolshevik Martens and renders him safe within its folds. As it waves over him while he preaches from the platform the Bolshevik revolution that is coming in this country the Bolsheviks of the audience will laugh with glee at what they will call the symbol of a nerveless government.

Your decision will give great delight and encouragement to all the American Bolsheviks, Socialists and I. W. W. agitators who now are so busy preaching "the coming revolution" in this distracted country.

In view of the present careless and indifferent attitude toward Bolshevism of many Americans in high places, both public and private, it now seems absolutely certain that nothing short of violence and bloodshed ever will awaken this sleepy nation to the Bolshevik peril. Violence is the only method by which our alien enemies in America can be made to tremble and to work steadily and tirelessly are working, and their ultimate success in precipitating armed violence is assured. I base this belief upon the drawing power of the lying lure of Bolshevism, the number, energy and resources of its agents, and the apathy and indifference on the other side.

Very respectfully yours,
WILLIAM T. HORNADAY.

Parley Drops Japan's Racial Equality Plea

Specific Refusal by Some Members Forces Rejection of Claim, as Vote Had To Be Unanimous

PARIS April 12 (9 p. m.).—The League of Nations Commission has rejected the Japanese amendment on racial equality, according to an authoritative statement issued to-night.

Some of the members of the commission voted against the specific inclusion of this amendment in the covenant, and as unanimous approval of the commission was necessary, the amendment, which was strongly urged by the Japanese delegates, failed of adoption.

The statement follows:

"At a meeting of the League of Nations Commission on Friday, April 11, the Japanese delegation proposed an amendment to the preamble of the covenant, as follows: To insert after the words 'by the prescription of open, just and honorable relations between nations' an additional clause to read, 'by the indorsement of the principle of equality of nations and just treatment of their nationals.'

"The amendment was admirably presented by Baron Makino. In the course of his speech he emphasized the great desire of the Japanese government and of the Japanese people that such a principle be recognized in the covenant. His argument was supported with great force by Viscount Chinda.

Subject of General Discussion

"A discussion followed, in which practically all of the members of the commission participated. The decision was marked by breadth of thought, free and sympathetic exchange of opinion and a complete appreciation by the members of the commission of the difficulties which lay in the way of either accepting or rejecting the amendment.

"The commission was impressed by the justice of the Japanese claim and by the spirit in which it was presented. Mention was frequently made in the course of the discussion of the fact that the covenant provided for the representation of Japan on the executive council as one of the five great powers, and that a rejection of the proposed amendment could not, therefore, be construed as diminishing the prestige of Japan.

"Various members of the commission, however, felt that they could not vote for its specific inclusion in the covenant. Therefore, the commission was reluctantly unable to give to the amendment that unanimous approval which is necessary for its adoption."

The preamble of the covenant of the league of nations, in which the Japanese sought the inclusion of their amendment, reads as follows:

"In order to promote international cooperation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understanding of international law as the actual rule of conduct among governments and by the maintenance of a just and scrupulous respect for all treaty obligations in the dealings of organized people with one another, the powers signatory to this covenant adopt this constitution of the league of nations."

In the council, as in the assembly, each state will have only one vote. Both these bodies are to meet at stated intervals (the council at least once a year), and at other times if required. Both can deal with any matter that is of international interest or that threatens the peace of the world. The decision of both must be unanimous, except in

Can Increase Members By Unanimous Consent

The number of powers of each class represented on the council may be increased by the unanimous consent of the council and a majority of the assembly. Other powers have the right to sit as members of the council during the decision of matters in which they are especially interested.

Monroeism Is Put Into Covenant

Treaties Protected and Belligerents, Neutrals and Other Self-Ruled Nations To Be Members

World Armament Must Be Reduced

German Colonies and Ottoman Empire To Be Placed Under Mandates

PARIS, April 12 (By The Associated Press).—An official summary of the revised covenant of the league of nations issued to-night makes specific mention of the Monroe Doctrine, for securing the maintenance of peace.

The league, says the statement, will include all belligerent and neutral states named in a document annexed to the covenant, and "in the future any self-governing country whose admission is approved by two-thirds of the states already members of the league."

Providing it has kept its obligations, a state may withdraw from the league on giving two years' notice, and states which signify their dissent from amendments approved by all the states on the council and a majority of those in the assembly are not bound by them, but in such case cease to be members of the league.

Mandatories for the German colonies and the territories of the Ottoman Empire are provided. These colonies and territories are to be administered by states willing to be mandatories of the league, which will exercise general supervision.

The Summary

The official summary follows:

1. The league of nations is founded in order to promote international cooperation and to secure peace. The league will include: (a) The belligerent states named in a document annexed to the covenant; (b) all the neutral states so named; and (c) in the future any self-governing country whose admission is approved by two-thirds of the states already members of the league.

"A state may withdraw from the league, providing it has kept its obligations to date, on giving two years' notice.

2. The league will act through an assembly comprising not more than three representatives of each of the member states, each state having only one vote, and a council comprising for the present one representative of each of the five great powers and each of four other powers as selected from time to time by the assembly.

3. The number of powers of each class represented on the council may be increased by the unanimous consent of the council and a majority of the assembly. Other powers have the right to sit as members of the council during the decision of matters in which they are especially interested.

In the council, as in the assembly, each state will have only one vote. Both these bodies are to meet at stated intervals (the council at least once a year), and at other times if required. Both can deal with any matter that is of international interest or that threatens the peace of the world. The decision of both must be unanimous, except in

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